

### **REMARKS**

The Office Action mailed September 20, 2006 has been reviewed and the comments therein were carefully considered. Claims 1-24, 28-32 and 37-39 are currently pending. Claims 1-24, 28-32 and 37-39 stand rejected.

#### **Phone Interview**

Applicants appreciate the Examiner and the Examiner's Supervisor providing a telephone interview on January 4, 2007. Although a consensus was not reached, the interview has helped clarify the arguments, which Applicants now address in this Response.

#### **Claim Rejections Under 35 USC §103**

Claims 1-4, 7, 10-15, 17-19, 23-24, 28-32, 37 and 38 stand rejected under 35 USC §103(a) as being unpatentable over Macrae, et al., WO 98/17064 ("Macrae"), in view of Collings, U.S. Patent No. 5,828,402 ("Collings"). Applicants note that Claim 39 also stands rejected by these same references. Applicants traverse this rejection.

In the office action, the Examiner states that Macrae fails to disclose receiving a user preference not to display the information service during the display of the television programme service, and overriding the user preference in response to detecting a code identifying the link information. The Examiner states that Collings discloses this feature. Applicants respectfully disagree.

Collings describes a system in which information relating to television programmes such as a title, ratings, and categorizations, can be embedded in a broadcast video stream for the purpose of blocking unsuitable content. At Col. 20, lines 7 to 15, a caption menu is described enabling a user to opt to display the contents of a number of channels (CC1 to CC4 and T1 to T4) that seem to contain the information relating to the television programmes (see Col. 7, lines 28 to 50 where the content of T1 and T2 are described). The user also has the option of selecting not to display the channel contents. At Col. 16, lines 29 to 40, a further option is described allowing users to temporarily display, for a few seconds, the title or other information relating to

a current television programme. The Examiner appears to be of the opinion that this latter feature, if selected by a user, would override a previous user preference to display 'no channels', and for this basis that the present invention is obvious based on Macrae and Collings.

Applicants respectfully assert that the user preference (caption selection) in Collings to display 'no channels' is not overridden by a user selection to temporarily display the title information (as the Examiner asserts), but instead the user preference itself changes. Since it is the user himself who selects to display the title information, such selection becomes the new 'user preference', even if this is only a temporary one. On this basis, a combination of Collings and Macrae would not result in a system capable of overriding a user preference in order to display link information as recited by the claims.

Further, Applicants assert that in the present invention, the user display preference is overridden automatically in response to detection of a code indication that link information is being provided. This is not the case in Collings since detection of a user selection made via a remote control is not equivalent to detection of a code identifying link information. In other words, the 'code' of Collings that causes the user display preference to be overridden *does not identify the link information* as required by the claims of the present invention.

Accordingly, Applicants assert that Macrae and Collings, either alone or in combination with any other cited references, disclose or suggest each and every feature of the present invention as recited in independent Claims 1, 12, 23, and 39 and that those claims and all claims dependent upon them are allowable.

Regarding the phone interview on January 4, 2007, the Examiner took the position that Macrae does provide support for the feature of "receiving a user preference not to display the information service during the display of the television programme service", without the need for Collings. The Examiner stated the support as follows:

"In Fig. 2 of Macrae, the logo for the link (95) is clearly visible, but there is no closed captioning visible on the screen. Closed captioning has been required in TV broadcasts since [early 1990's]. Since there is no closed captioning shown on

the screen 20 in Fig. 2, the user must have deactivated it. Therefore the user has provided a user preference to not display an information service. But the link logo 108 is visible in Fig. 2, therefore the link information has worked to override the user preference and display the link logo.

Collings merely provides a suggestion that information such as closed captioning can be activated or deactivated by user preference, but Macrae provides the support for overriding a user preference to display a link."

Applicants traverse this rejection. Applicants respectfully assert that this argument is speculative at best, and is not a valid basis for rejection under 35 USC §103 (or §102 for that matter). If Applicants understand the Examiner's position correctly, the Examiner is simply relying on the absence of a feature in a drawing to support the Examiner's argument. It is inevitable that such a drawing only shows those features that are of interest for the invention in issue, and no conclusion can be drawn from the absence of other features. As a trivial example, it would be inappropriate to speculate about the absence of a person viewing the TV screen in Fig. 2, just because one isn't shown in the drawing. Applicants note that Macrae makes no mention of closed captioning in the specification. Further, Macrae does not mention any user preference, so Macrae cannot disclose that link information has overridden a user preference. Therefore Applicants assert that all claims are allowable over this rejection.

Claims 5-6, 8-9, 16, 20-22 and 38 are rejected under 35 USC §103(a) as being unpatentable over Macrae and Collings and further in view of Bendinelli. Applicants traverse this rejection. These claims all depend from allowable independent claims, and are therefore allowable.

### **Conclusion**

Applicants therefore respectfully request reconsideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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